

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEVEN WONG,	:	
Plaintiff	:	
	:	
v.	:	No. 1:22-cv-01063
	:	
	:	(Judge Rambo)
TIM BETTI, <u>et al.</u>,	:	
Defendants	:	

ORDER

AND NOW, on this 3rd day of August 2023, upon consideration of Defendants Tim Betti and Wellpath’s motions to dismiss Plaintiff Steven Wong (“Plaintiff”)’s amended complaint, both of which have been filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure (Doc. Nos. 22, 32), and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. Defendant Betti’s motion to dismiss is **GRANTED** (Doc. No. 22) to the extent that:
 - a. Plaintiff’s Fourteenth Amendment claim of inadequate medical care is **DISMISSED WITHOUT PREJUDICE**;
 - b. Plaintiff’s Fourteenth Amendment equal protection and due process claims are **DISMISSED WITH PREJUDICE**;
2. Defendant Wellpath’s motion to dismiss (Doc. No. 32) is **GRANTED** to the extent that Plaintiff’s Section 1983 claims are **DISMISSED WITH PREJUDICE**. The Clerk of Court shall **TERMINATE** Defendant Wellpath from the caption of the docket in this case;
3. Plaintiff is granted a **final** opportunity to amend his pleading as to his Fourteenth Amendment claim of inadequate medical care against Defendant Betti;

4. Plaintiff may file a second amended complaint against Defendant Betti within **thirty (30) days** of the date of this Order;
5. In the event that Plaintiff does not file his second amended complaint within the thirty (30) days, this action may be subject to dismissal; and
6. Plaintiff's pending motions seeking discovery (Doc. Nos. 28, 40) are **DEEMED WITHDRAWN**.

s/ Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge